

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF CUPERTINO RECOMMENDING THAT THE CITY COUNCIL
ADOPT AN ADDENDUM (ADDENDUM NO. 5 TO THE 2014
GENERAL PLAN EIR) ADDRESSING THE ENVIRONMENTAL
EFFECTS OF THE PROPOSED CHANGES TO THE GENERAL PLAN
AND THE MUNICIPAL CODE**

The Planning Commission recommends that the City Council adopt the Draft Resolution attached hereto as Exhibit 1 to adopt Addendum No. 5 to the 2014 General Plan Final EIR and the General Plan amendments to clarify existing language in Chapter 3 and emphasize language in Chapter 6.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Cupertino this ____day of _____, ____, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Piu Ghosh
Planning Manager

R. Wang
Chair, Planning Commission

RESOLUTION NO. [##-###]

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
ADOPTING AN ADDENDUM (ADDENDUM NO. 5) TO THE 2014 GENERAL
PLAN FINAL EIR AND APPROVAL OF MINOR MODIFICATIONS TO THE
GENERAL PLAN**

WHEREAS, pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 *et seq.*) ("CEQA") together with the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*) (hereinafter, "CEQA Guidelines"), the City prepared a Final Environmental Impact Report for General Plan Amendment, Housing Element Update, and Associated Rezoning Project (State Clearinghouse No. 2014032007) ("Final EIR"); and

WHEREAS, the City Council certified the Final EIR and approved the Project on December 4, 2014; and

WHEREAS, the approved amendments to the General Plan and Municipal Code Amendments ("Project") consists of amendments to the existing language in the General Plan to reduce ambiguity and adoption of standard environmental protection requirements; and

WHEREAS, since certification of the Final EIR, the City has proposed certain refinements to the Project consisting of clarifications of the existing language in the General Plan without any changes to the intensity or density of development and adoption of certain standard environmental protection requirements; and

WHEREAS, these activities constitute minor modifications to the Project and none of the conditions requiring a subsequent or supplemental EIR as described in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 and Section 15163 have occurred; and

WHEREAS, the City has caused to be prepared an Addendum to the Final EIR pursuant to CEQA Guidelines Section 15164 ("Fifth Addendum"); and

WHEREAS, the Addendum provides analysis and cites substantial evidence that supports the conclusion that no subsequent environmental review is required because there are no substantial changes in the Project or the circumstances under which the Project is to be undertaken that would result in new or substantially more severe environmental impacts requiring major revisions to the Final EIR, and there is no new

Exhibit 1

information that involves new significant environmental effects or a substantial increase in the severity of previously identified environmental effects that would require preparation of a subsequent or supplemental EIR pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163; and

WHEREAS, the Addendum concluded that the significant and unavoidable impacts to which the proposed Project will contribute were previously disclosed and analyzed in the Final EIR; and

WHEREAS, the City held a duly noticed public hearing on the Addendum to the EIR on October 19, 2021 to consider adoption of the Addendum to the Final EIR; and

WHEREAS, all individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the EIR and Addendum; and

WHEREAS, by Resolution No. ____ the Planning Commission recommended that the City Council adopt the Addendum to the Final EIR; and

WHEREAS, the changes made after publication of the Addendum, including any changes recommended by the Planning Commission, do not change the conclusion that none of the conditions requiring a subsequent or supplemental EIR as described in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 and Section 15163 have occurred; and

WHEREAS, the City Council has independently reviewed and considered the information in the Addendum, which concludes that no further environmental review is required for the refinements to the Project;

NOW, THEREFORE, BE IT RESOLVED that the City takes the following actions:

1. Determines that the Addendum reflects the independent judgment of the City.
2. Adopts the Addendum to the Final EIR for the General Plan Amendments and Municipal Code Amendments to clarify existing language in the General Plan in Chapters 3 and 6, and adoption of standard environmental protection requirements
3. Approves the project refinements as shown in Exhibit A attached hereto and incorporated herein by reference and authorizes the staff to make grammatical,

Exhibit 1

typographical, numbering, and formatting changes necessary to assist in production of the final published General Plan.

PASSED and ADOPTED at a regular meeting of the City Council of the City of Cupertino the ____ day of _____, 2021 by the following vote:

AYES:

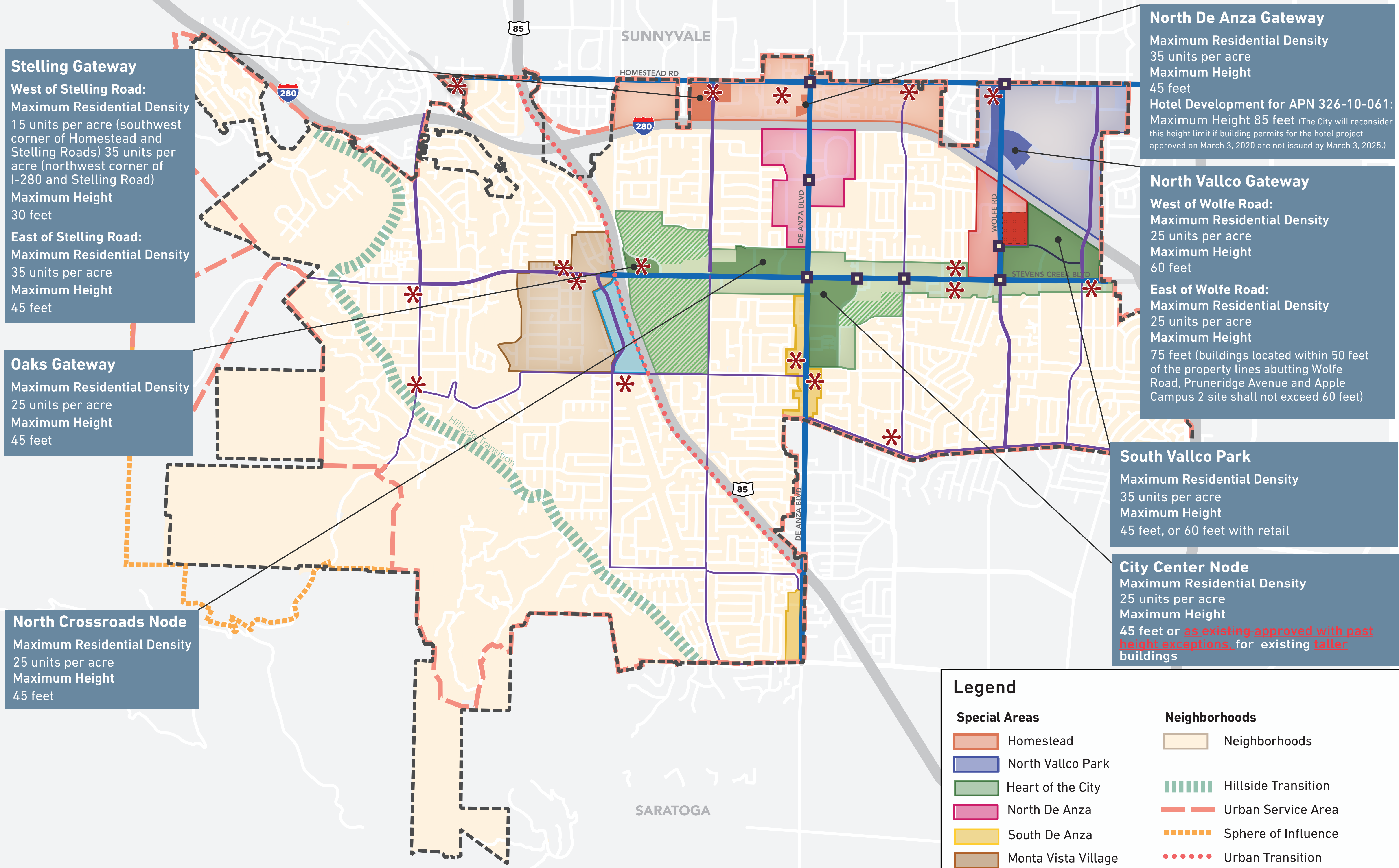
NOES:

ABSTAIN:

ABSENT:

SIGNED: _____ Darcy Paul, Mayor City of Cupertino	_____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	_____ Date

Figure LU-2
COMMUNITY FORM DIAGRAM



Building Planes:

- Maintain the **primary** building **bulk** below a 1:1 slope line drawn from the arterial/boulevard curb line or lines except for the Crossroads Area. **Architectural features that do not include usable area may encroach into the slope line.**
- For the Crossroads area, see the Crossroads Streetscape Plan.
- For projects outside of the Vallco Shopping District Special Area that are adjacent to residential areas: **Heights and setbacks adjacent to residential areas will be determined during project review. Where slope lines or other applicable height and setback limits for projects adjacent to residential areas is not established in a specific plan, conceptual zoning plan or land use plan and in any adopted design guidelines, this will be established during project review.**
- For projects within the Vallco Shopping District Special Area that are adjacent to the North Blaney/Portal neighborhood: Maintain the building below a 2:1 slope line drawn from the adjacent residential property line.
- For the North and South Vallco Park areas: Maintain the **primary** building **bulk** below a 1.5:1 (i.e., 1.5 feet of setback for every 1 foot of building height) slope line drawn from the Stevens Creek Blvd. and Homestead Road

curb lines and below 1:1 slope line drawn from Wolfe Road and Tantau Avenue curb line. **Architectural features that do not include usable area may encroach into the slope line.**

- Parcel APN 326-10-061 within the N. De Anza Gateway: For hotel development, maintain the building below the variable slope lines as shown in Figure LU-5. For all other developments, the 1:1 slope line shall be maintained.

Rooftop Mechanical Equipment: Rooftop mechanical equipment and utility structures may exceed stipulated height limitations if they are enclosed, centrally located on the roof and not visible from adjacent streets.

Priority Housing Sites: Notwithstanding the heights and densities shown above, the maximum heights and densities for Priority Housing Sites identified in the adopted Housing Element other than the Vallco Shopping District Special Area shall be as reflected in the Housing Element. The Vallco Shopping District Special Area shall be subject to the heights and densities shown above, with residential uses permitted in the Regional Shopping/Residential designation as shown in Figure LU-4.

Homestead Special Area

Maximum Residential Density
Up to 35 units per acre per General Plan Land Use Map
15 units per acre (two parcels at southeast corner of Homestead Rd and Blaney Ave).
All other areas - Maximum density as indicated in the General Plan Land Use Map or 35 units per acre where none indicated.
Maximum Height 30 feet, or 45 feet (south side between De Anza and Stelling)

North Vallco Park Special Area

Maximum Residential Density	Maximum Height
25 units per acre	60 feet

Heart of the City Special Area

Maximum Residential Density	Maximum Height
Up to 25 units per acre per General Plan Land Use Map or South Vallco -35 units per acre (South Valley) All other areas - Maximum density as indicated in the Heart of the City Land Use Map and, if none indicated, 25 units per acre	45 feet, or 30 feet where designated by hatched line

North De Anza Special Area

Maximum Residential Density	Maximum Height
Maximum density is 25 units per acre	45 feet

South De Anza Special Area

Maximum Residential Density	Maximum Height
North of Bollinger Rd - maximum density is 25 units per acre (north of Bollinger) South of Hwy 85 - maximum residential is 5-15 units per acre (South of 95)	30 feet

Monta Vista Village Special Area

Maximum Residential Density	Maximum Height
Up to 15 units per acre, per General Plan Land Use Map Maximum density as indicated in the General Plan Land Use Map, and if none indicated, 15 units per acre	Up to 30 feet

Bubb Road Special Area

Maximum Residential Density	Maximum Height
20 units per acre	45 feet

Vallco Shopping District Special Area

Regional Shopping/Residential Maximum Residential Density	Regional Shopping Maximum Residential Density
35 units per acre in areas identified in Figure LU-4	N/A - residential is not a permitted use
Minimum Residential Density	Maximum Height
29.7 units per acre in areas identified in Figure LU-4	Up to 60 feet
Maximum Height	
Up to 60 feet	

Neighborhoods

Maximum Residential Density	Maximum Height
Per Maximum density as indicated in the General Plan Land Use Map; 15 units per acre for Neighborhood Commercial Centers Sites	30 feet



GOAL LU-1

Create a balanced community with a mix of land uses that supports thriving businesses, all modes of transportation, complete neighborhoods and a healthy community

BALANCED COMMUNITY

The City seeks to balance future growth and development in order create a more complete community. This includes ensuring a mix of land uses that support economic, social and cultural goals in order to preserve and enhance Cupertino's great quality of life.

POLICY LU-1.1: LAND USE AND TRANSPORTATION

Focus higher land use intensities and densities within a half-mile of public transit service, and along major corridors. [Figure LU-2 indicates the maximum residential densities for sites that allow residential land uses.](#)

POLICY LU-1.2: DEVELOPMENT ALLOCATION

Maintain and update the development allocation table (**Table LU-1**) to ensure that the allocations for various land uses adequately meet city goals.

STRATEGIES:

LU-1.2.1: Planning Area Allocations.

Development allocations are assigned for various Planning Areas. However, some flexibility may be allowed for transferring allocations among Planning Areas provided no significant environmental impacts are identified beyond those already studied in the Environmental Impact Report (EIR) for Community Vision 2040.



GOAL LU-13

Ensure a cohesive, landscaped boulevard that supports all modes of transportation, links its distinct and active commercial and mixed-use sub-areas and nodes, and creates a high-quality, distinct community image and a vibrant heart for Cupertino

HEART OF THE CITY SPECIAL AREA

The Heart of the City will remain the core commercial corridor in Cupertino, with a series of commercial and mixed-use centers and a focus on creating a walkable, bikeable boulevard that can support transit. General goals, policies and strategies (as identified in Goal LU-13) will apply throughout the entire area; while more specific goals, policies, and strategies for each subarea are designed to address their individual settings and characteristics and are identified in Goals LU-14 through LU-18.

POLICY LU-13.1: HEART OF THE CITY SPECIFIC PLAN

The Heart of the City Specific Plan provides design standards and guidelines for this area, which promote a cohesive, landscaped boulevard that links its distinct sub-areas and is accessible to all modes of transportation.

POLICY LU-13.2: REDEVELOPMENT

Encourage older properties along the boulevard to be redeveloped and enhanced. Allow more intense development only in nodes and gateways as indicated in the Community Form Diagram **(Figure LU-2)**.

GOAL ES-6

Minimize impacts of available mineral resources

MINERAL RESOURCES

The City seeks to minimize the impacts of mineral resource operations on the community.

POLICY ES-6.1: MINERAL RESOURCE AREAS

Cooperatively work with Santa Clara County to ensure that plans for restoration and mining operations at Lehigh Hanson and Stevens Creek quarries consider environmental impacts and mitigations.

STRATEGIES:

ES-6.1.1: Public Participation.

Strongly encourage Santa Clara County to engage with the affected neighborhoods when considering changes to restoration plans and mineral extraction activity.

ES-6.1.2: Recreation in Depleted Mining Areas.

Consider designating abandoned quarries for passive recreation to enhance plant and wildlife habitat and rehabilitate the land.